

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD RICHARDS,

Case Number: 09-20039
Honorable Julian Abele Cook, Jr.

Defendant.

ORDER

The Defendant, Gerald Richards, has been accused by the Government of violating the following federal statutes: (1) 21 U.S.C. § 846 (conspiracy to possess with intent to distribute a controlled substance), (2) 21 U.S.C. § 841(a)(1) (unlawful distribution of a controlled substance), and (3) 18 U.S.C. § 2 (aiding and abetting).

On May 29, 2009, Richards filed a “motion and demand for disclosure of exculpatory evidence and Rule 16 discovery materials.” The Government filed its response in opposition on July 2, 2009. After having reviewed this motion, the Court can only describe it as containing primarily “boilerplate” language which presumably address the Government’s numerous discovery obligations in this criminal case. However, the Court notes that it fails to contain any specific allegations that the Government has violated the terms and/or the spirit of Fed. R. Civ. P. 16 (“Pretrial Conferences; Scheduling, Management”) or the Standing Order for Discovery of the Court (Administrative Order No. 03-AO-027). Moreover, the Government, in its response, notes

that it (1) “has been diligent in its obligation to provide discovery to [the [D]efendant] . . . and has acknowledged the ongoing nature of its obligation . . .” and (2) “is aware of its affirmative and continuing duties under [*Brady v. Maryland*, 373 U.S. 83 (1963)] . . .”

Fed. R. Civ. P. 7(b)(1)(B) states that a request for a court order must “state with particularity the grounds for seeking the order.” The Defendant’s motion does not meet this requirement. Rather, it merely recites a lengthy list of items which, in his opinion, he is entitled to receive through discovery. Moreover, he has failed to set forth any specific allegation that the Government has failed to meet its obligations under Fed. R. Civ. P. 16, *Brady v. Maryland*, or the Court’s Standing Order for Discovery.

For all of the reasons which have been stated, the Defendant’s motion is denied.

IT IS SO ORDERED.

Dated: July 29, 2009
Detroit, Michigan

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on July 29, 2009.

s/ Kay Doaks
Case Manager